England - Parliament - Petitions and Addresses to Parliament. - 1659

An Hearty Acknowledgement, and humble Advertizement for the vindicating of the Law of *Nature*, *Reason*, and *Justice*.

C 111 b. 27

PRESENTED

By the Defrauded and Distressed *Creditors*, and the poore and oppressed *Prisoners*,

To the Supreme Authority of the Common-wealth, the PARLIAMENT of ENGLAND.

Qui monet ut facias, quod jam facis, &c.

Also an ESSAY:

Whereby to make manifest the Concealed Estates of able *Debtors*, and fraudulent *Settlements*; By which evill Practices many Widowes, Orphans, and other honest People of this Nation, have been, and are daily Deprived of their whole Livelihoods,

Quicquid sub terrâ est, in apricum proferet Ætas.

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RIGHT HONOVRABLE:

THis preſent PARLIAMENT ſeemeth (like to *Moſes* in his minority) to have been preſerved in your fraile and flaggie Arkes of fleſh, amidſt the perilous and uncertaine waves of the late Governments for the vindicating our Engliſh Iſrael from its (more then Ægyptian) bondage, (*i.e.*) The tyrannie of the practice of the *Common Law* in theſe later times. It is the hope, and prayer of many thouſands, that yee may Imitate *Moſes* (in the growth of your ſtrength) in thoſe two moſt remarkable Acts of his; Firſt, in ſmiting the Ægyptian, the man of Sinne; (the cruelty, and iniquity of the practice of the Lawes) that hee dye.

Secondly, in compoſing Differences between brethren; albeit yee may (probably) expect but an evill Requitall from one (the moſt Injurious) of them, as *Moſes* had, who made the Ruler over us? In order hereunto it is the humble Requeſt of many defrauded and extreamly diſtreſſed Creditors and others, who have long, and now doe ſue (in vaine) in *Forma pauperis*, and of all poore, and oppreſſed Priſoners, that they may bee ſpeedily and abſolutely relieved againſt all frauds and oppreſſions. It is knowne to all men, that the *Norman* yoke (contrary to the manner of other yokes) is growne much rougher, and heavier by wearing; but now the Cauſe (the *Norman* Monarchy) being taken away; The effect (the Cruelty of thoſe Lawes) ought to ceaſe. In reſpect to the Premiſſes, and for the preſervation and juſt rights of my

Countrimen of *England*; I am bold to present unto your Honours these Considerations following:

1. That Bils of *Middlesex*, &c. carry more Cruelty and lesse Conscience with them, then the *Spanish* Inquisition.

2. That none are Imprisoned (really) in *England*, but such as ought not to be, *i.e.* the poorer sort, who are utterly unable to pay; whereas those who are solvent, can give security to the Gaolors, and with their Silver key, passe when, and whither they please. And that by these meanes the Prisons for Debt, are Sanctuaries for Knaves, Purgatories for Christians, warehouses, and Shops for the Lawyers, and their ministers, Bayliffes, &c. and Gaolors (all the worst of men) and Slaughter-houses for the Divell.

3. That those who have most need of Iustice, and are most injured, (the *paupers*) seldome, or never obtaine any Iustice, or Equity; it being as impossible to promove a Suit either in the *Common Law*, or *Chancery* with a *paupers* purse, as to move a Mountaine with a Childs or Sick mans strength.

4. That it will be impossible to administer relief, or Iustice to those Indigent persons; unlesse Intayl'd estates, but most especially fraudulent Settlements of estates in Marriages (or otherwise) be questioned, and examined in their behalfe, and as there shall appeare Cause, be rendered responsible. It being Incumbent on all Supreme Courts of Iudicature to grant Reliefe against such Frauds, which neither could be prevented by Law, nor can bee relieved by the ordinary rules of Equity. And that it may be considered, that all Settlements of Estates either before, or after the Debt contracted (being *eodem animo fallendi*, with the same purpose of deceiving) are equally fraudulent; the borrower

rower well knowing, that by a private settlement of his whole estate, he had made himself irresponsible, which the Lender could not know; but conceived that himself and Heire being obliged by bond should have both been lyable to give satisfaction with the estate, which belonged unto the Borrower.

5. That the first Institution of Intailes was in *Hen.* the 1. his Reigne, on purpose to keepe the *Normans* about him, who were selling their Estates in *England*, and returning into *Normandy*; but this afterwards was derived to the Nobility, and Gentry of this Nation; which (however) is not like to the Lawes of the *Medes* and *Persians*, unalterable, for we find that there is no Intaile whatsoever, but is, or may be, cut off by Leving a Fine, or by Act of Parliament, to serve the turnes of the owners; and why this ought not to be done to satisfie Common Iustice, no good reason (as I conceive, under favour) can be given; what is pretended, for the preserving of families; It may be alledged by many Creditors that by the preserving of one Family (which is often also destroyed with Pride, Riot, and Luxury) ten others, and some of them, of as good, or better quality then the other, may bee, and often are ruined. That all Intail'd estates of Debtors by the free and full execution of the Lawes are totally lyable to the satisfaction of Debts during the Life of the debtor; whereby the Wife, and Children are, or may be reduced to extreame want, and misery; whereas by the selling of those Estates all parties may be relieved and preserved. So that an Act to this purpose will appear rather an amicable, & conscientious Composition, and preservation on all parts, then any way injurious; when on the contrary, the Debtors estate being extended during his life, the Wife and Children doe most unna-

unnaturally and unchristianlike expect, if not desire or contrive the untimely death of Husband, and Parent, and many times all perish by an irrationall & ungodly obstinacy, as many Instances in this kind may be given.

For the Discovery of able Debtors Concealed Estates.

6. That all Masters of Prisons (especially of the *Upper-Bench*) deliver in the names of those Securities, which they have received for those Prisoners who lye in the Rules, and goe at large, or sleightly guarded. And that those who are Security for such Prisoners, may also deliver in the Names of the collaterall Securities from the Prisoners to save themselves harmlesse, and likewise that all such persons, who shall be suspected by the Creditors to have any of the Debtors estates intrusted with them, may be strictly examined to that purpose. And all this to be done upon Oath, or a full Declaration, and attestation of the premisses under their hand-writings witnessed; and that the falsifying either of Oath or hand in this kind may be punishable as Felony. The detaining of any mans estate after the time of the Creditor or owners Consent is expired, being of the same nature, and detriment to the party injured, as the taking the same from him by stealth or force: And that Frauds, and wilfull-unjust dealing in this kind deserve a more severe punishment, then other Thefts or Robberies.

These being committed for the most part by reason of extreame want, and for selfe-preservation; the other to satisfie unsatiable Lusts, or unbounded Avarice, being most wickedly ambitious thereby to raise or preserve their owne Families by the Ruine of others for the most part much better in all respects then them-

themselves or theirs. And lastly, how contrary these practises are to the right Rule of Reason, and Iustice, the nature, and well being of the Community of Mankind; and the Test of a good Conscience; It is left to all rationall and unbyassed men, and all upright and conscientious Christians to judge.

The very Heathen, who were guided only by the instinct of Nature and precepts of Morality, were very seldome or never peccant herein, but held it alwaies as a thing sacred, and absolutely necessary, *Suum cuique tribuere.* ——

Fiat Iustitia Ruat (imo magis floriat) Parliamentum.

It will appeare, that by the performance of this Iustice and Charity, yee will not only render your selves acceptable to God, your owne Consciences and all good men, but shall also have the hearts, hands, and estates of many thousands ready to maintaine all your Honourable, and pious Atchievements.

THe humble addresse of a Gentleman of good birth and education, who being by fraud (and this by a few persons whose estates may be rightly estimated at more then 100000. pounds) bereaved of an estate of 20000l. value at the least, and for want of Money being utterly disabled to vindicate his rights by Law or Equity, hath been also twice wrongfully and miserably Imprisoned by the designe of some of his owne Debtors and neare Relations, who have been formerly much obliged by him; and is now hourely in danger to be drag'd to Prison again by the Agents of the same persons, and is also for the present totally destitute of any meanes to preserve his life being more then 58. yeares aged, or to recover any part of his Estate.

By

By these meanes like a Bird (whose wings are clip't) he lies prostrate and panting at your Honours feet; submissively craving your protection for bread, breath and liberty, &c.

A verse may take those, who a Sermon fly,
So godly, and the learned Herbert; *I*
Hope from your pious Ingenuitie.

PRinces pretended wants extort great summes
From Subjects; these (true-Beggers) aske but Crums
From Kings; such Loanes, or Guifts, they are
As the most home-bred-Charity may spare.
And that with safety too, Heaven will be bound,
When no Security with Man is found:
If that's not lik't; yet Land-Lords of our Earth
May make your owne Conditions; grant new Birth
Of Justice in our Lawes, and Conscience true,
Lend a Million, yet'le be paid your due
With Interest of Thankes, and Honour; Then
Your Faces will shine bright 'fore God, and men.
A Brightnesse farre beyond those glitt'ring Roofes,
Coaches, and Tombes; ah; These are small Behoofes.
When Kings shall once againe be turn'd to Clay.
And silly-Folkes enquire, where now are They?
Well-polisht vertue survives Marble; and
Conscience and Truth (like Rockes of Diamonds) stand
Faire, and unblemisht to Eternity.
When all things else decay; These never Dye.
So shall your Names inrol'd i'th booke of Life,
Live ever free from Change, and void of strife.

This is the Prayer of &c. D. and many thousands injured Creditors, and oppressed Prisoners.



